

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF VIRGINIA

3 RICHMOND DIVISION

4 *****
5 DONNA K. SOUTTER, For Herself and On Behalf of All
6 Similarly Situated Individuals,

7 Plaintiffs,

8 v.

Civil Action Number

3:10cv107

9 EQUIFAX INFORMATION SERVICES, LLC,

10 Defendant.

11 *****

12 DEPOSITION OF

13 DONNA K. SOUTTER

14 September 28, 2010

15 1:00 p.m. - 3:25 p.m.

16 Richmond, Virginia

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24 JOB NO: 33566

25 REPORTED BY: GWENDA E. APPELEGATE, RPR, CRR

1 Deposition of DONNA K. SOUTTER, taken and
2 transcribed on behalf of the Defendant, by and
3 before Gwenda E. Applegate, Court Reporter, Notary
4 Public in and for the Commonwealth of Virginia at
5 large, pursuant to Rule 30 of the Rules of Civil
6 Procedure, and by Notice to Take Depositions;
7 commencing at 1:47 p.m., September 28, 2010, at
8 McGuire Woods, 901 East Cary Street, Richmond,
9 Virginia.

10 APPEARANCES OF COUNSEL:

11 By: CONSUMER LITIGATION ASSOCIATES, P.C.
12 12515 Warwick Boulevard, Suite 100
13 Newport News, VA 23606
14 LEONARD A. BENNETT, ESQ.,
15 Counsel for the Plaintiffs

16 By: KING & SPALDING
17 1180 Peachtree Street, N.E.
18 Atlanta, GA 30309
19 BARRY GOHEEN, ESQ.,
20 Counsel for the Defendant
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1 Q What positions did you hold for the state
2 police during the 15 or so years that you worked there?

3 A When I first started, I was a dispatcher. And
4 then at some point, but I don't remember the exact date,
5 I was promoted to senior dispatcher, which means I was
6 in charge of my shift.

7 Q As a dispatcher -- strike that.

8 I take it you were still living in Culpeper
9 based on your previous answer?

10 A That's correct.

11 Q Okay. So there was an office or a department
12 of the state police in Culpeper or close to Culpeper?

13 A I worked in Fairfax, which was -- the commute
14 was about 45 minutes from my house.

15 Q And you worked there for the entire time you
16 were with the state police?

17 A There is an office in Culpeper that I worked
18 at for probably a year. Then my brother died and then I
19 went ahead and decided to transfer to Fairfax, so...

20 Q Okay. If I interrupted you earlier, I'm
21 sorry. You said you were promoted to senior dispatcher.
22 Did you have other duties at some point during that time
23 at the state police?

24 A I was just in charge of my shift. That was
25 the only change --

1 A It's not even that.

2 Q Strictly an as-needed thing?

3 A That's the way I wanted it to be because,
4 really, I'm too busy with what I do now.

5 Q Well, that was a nice segway to self-employed
6 as court reporter?

7 A Yes.

8 Q That's what you do now?

9 A That's correct.

10 Q I take it based on your response a few minutes
11 ago, you had some sort of training to become a court
12 reporter?

13 A Yes.

14 Q And could you please describe that.

15 A I went to school, to court reporting school.
16 Actually, I went in Maryland two days a week and the
17 rest of it was at home, so...

18 Q Okay. How did you decide to enter the court
19 reporting business?

20 A Well, because of my health situation, I
21 decided that I wanted a career where I could set my own
22 hours and work how many days I would like to during the
23 week. And I decided court reporting was what I wanted
24 to do.

25 Q You say in the response self-employed. What

1 did you owe that money?

2 A I did.

3 Q And is it correct that you had not paid
4 anything on it in the four months from February 22, 2007
5 to June 22, 2007, when this warrant in debt was issued?

6 A I was sick and unable to work and unable to
7 pay.

8 Q I understand. But that was -- you had not
9 paid the money; is that right?

10 A That's correct.

11 Q So in other words, this was a legitimate debt
12 that you owed?

13 MR. BENNETT: Objection.

14 BY MR. GOHEEN:

15 Q You can answer.

16 MR. BENNETT: Well --

17 THE WITNESS: It was.

18 MR. BENNETT: I didn't have a proper
19 objection. We'll withdraw that.

20 BY MR. GOHEEN:

21 Q About midway through this document -- let me
22 see if I can find this. This is not paginated so it's a
23 little difficult. But it's the Virginia Credit Union,
24 Inc. credit card application on top.

25 A Yes.

1 on behalf of the proposed class of individuals; right?

2 A Yes.

3 Q What is your understanding of how a class
4 action works?

5 A My understanding is that there are other
6 people that have suffered as I have as a result of this,
7 these types of documents, and credit reporting agencies
8 not deleting those files or that information from their
9 credit history. And it's probably affecting their lives
10 as it has mine.

11 Q I want to pick up on the last thing you just
12 said, "as it has affected mine" I believe you said.
13 Since the judgment -- I'm talking about Equifax, of
14 course, only. But since Equifax removed the judgment in
15 late December 2008, has it affected your life since
16 then?

17 A I don't know how to answer that. No.

18 Q You understand that you are holding yourself
19 out as what's called the class representative?

20 A Yes.

21 Q Is that a term you've heard of --

22 A Yes.

23 Q -- before this case?

24 You hadn't filed, other than the cases you had
25 filed against the three consumer reporting agencies, I

1 take it you had never filed a class action --

2 A No.

3 Q -- before as a plaintiff?

4 A No.

5 Q Do you have any understanding apart from, and
6 not including, of course, communications with counsel,
7 as to what responsibilities you might have as a class
8 representative?

9 MR. BENNETT: Apart from -- why don't you ask
10 her what she believes her responsibilities are? I
11 mean, we do object to discussions. But you are
12 entitled, and I don't want to obstruct your ability
13 to determine her adequacy.

14 MR. GOHEEN: That's fine. That's fair.

15 BY MR. GOHEEN:

16 Q What do you believe your responsibilities as a
17 class representative are?

18 A I think I am to represent myself as -- or I
19 believe that I am a common citizen, a working person who
20 is supposed to represent other people that have suffered
21 the same situation that I have.

22 Q Do you personally know of anyone that falls --

23 A No.

24 Q -- into that category?

25 A I do not.